

**Federal Defenders  
OF NEW YORK, INC.**

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*Southern District of New York  
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June 13, 2022

The Honorable Nelson S. Román  
United States District Court Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

Re: United States v. David Zayas  
22 CR 178 (NSR)

Dear Honorable Román:

I am writing in relation to today's conference in the above referenced case. I have spoken to David Zayas and he consents to proceeding telephonically for the conference. Attached, please find a consent form that I reviewed with Mr. Zayas. After discussing the form and its contents, Mr. Zayas asked me to electronically sign the form on his behalf.

Respectfully,  
//s

Benjamin Gold  
Assistant Federal Defender

cc: Timothy Josiah Pertz

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-v-

David Zayas ,  
Defendant.

-----X

**WAIVER OF RIGHT TO BE  
PRESENT AT CRIMINAL  
PROCEEDING**

22-CR-178

( ) ( )

**Check Proceeding that Applies**

\_\_\_\_ Arraignment

I have been given a copy of the indictment containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the indictment; to have the indictment read aloud to me if I wish; and to enter a plea of either guilty or not guilty before the judge. After consultation with my attorney, I wish to plead not guilty. By signing this document, I wish to advise the court of the following. I willingly give up my right to appear in a courtroom in the Southern District of New York to advise the court that:

- 1) I have received and reviewed a copy of the indictment.
- 2) I do not need the judge to read the indictment aloud to me.
- 3) I plead not guilty to the charges against me in the indictment.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

x Conference Date: June 13, 2022 \_\_\_\_\_

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this indictment that are held by a judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conferences. By signing this document, I wish to advise the court that I willingly give up my right to be present at the conferences in my case for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I

request that my attorney be permitted to represent my interests at the proceedings even though I will not be present.

Date: David Zayas  
Signature of Defendant

(During a telephone call on June 13, 2022, David Zayas authorized Benjamin Gold to affix his electronic signature to this page).

06/13/2022  
Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the charges contained in the indictment, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held in my client's absence. I will inform my client of what transpires at the proceedings and provide my client with a copy of the transcript of the proceedings, if requested.

Date: Ben G  
Signature of Defense Counsel

Benjamin Gold  
Print Name

**Addendum for a defendant who requires services of an interpreter:**

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: \_\_\_\_\_.

Date: \_\_\_\_\_  
Signature of Defense Counsel

**Accepted:** \_\_\_\_\_  
Signature of Judge  
Date: